REMARKS

Claims 1 - 24 were pending in the present application. Claims 1, 2, 6, 7, 9 – 17, and 19 – 23 have been amended. Claims 8, 18 and 24 have been canceled. Claims 25 – 27 have been added. Therefore, claims 1 – 7, 9 – 17, 19 – 23 and 25 – 27 remain pending.

Support for new claims 25 and 26 is provided at least in Fig. 7 – 9 and the corresponding description in the specification (see, e.g., pages 16 – 20). Support for new claim 27 is provided at least on page 14, lines 3 – 5 of the specification.

Rejections Under Section 112

Claims 6, 10, and 16 were rejected under 35 U.S.C. 112 as being indefinite for reciting the trademark/trade name "Microsoft Exchange". Accordingly, claims 6, 10 and 16 have been amended to overcome the rejection.

Rejections Under Section 102 and 103

Claims 1-3, 11-13 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Veritas' Backup Exec for Windows NT® and Windows® 2000 Administrator's Guide (hereinafter, 'Backup Exec Guide'). Claims 7, 8, 17, 18, 23 and 24 were rejected under 35 U.S.C. 102(e) as being anticipated by Beattie (U.S. PG Publication 2003/200480). Claims 4 – 6, 14 – 16 and 22 were rejected under 35 U.S.C 103(a) as being unpatentable over Backup Exec, further in view of Microsoft Exchange Property Tags Listing (hereinafter, 'Tags Listing').

Amended claim 1 recites a method comprising, in part, performing a full backup and performing a partial backup. Performing the full backup includes storing versions of one or more messages to a backup medium, and storing a backup time corresponding to the full backup as a value of a **particular named parameter associated with the mail server**. Performing the partial backup includes storing respective versions of selected

messages on a backup medium, and after storing the respective versions, **modifying the value of the particular named parameter to a time at which the partial backup was initiated**. Backup Exec Guide and Beattie are silent with respect to storing backup times as values of named parameters associated with the mail server whose mail messages are being backed up. Tags Listing lists constants associated with Microsoft Exchange, but does not teach or suggest using a particular named parameter of a mail server to store a backup times for a full backup, and then modifying the same named parameter to store a time at which a partial backup was initiated, as recited in claim 1. Applicants respectfully submit that neither Backup Exec Guide, nor Beattie, nor Tags Listing, taken singly or in combination, teach or suggest the combination of features recited in amended claim 1. Claim 1 is therefore believed to be in condition for allowance.

Amended independent claims 7, 11, 17 and 23 each recite features of full and partial backups using language similar to that of claim 1, and are therefore believed to be in condition for allowance for similar reasons.

Amended independent claim 19 recites a computer readable medium including program instructions, where the instructions are computer-executable to, in part, perform a full backup. To perform the full backup, the instructions are further executable to determine, for each message of the one or more messages, whether the message includes an attachment; if the message does not include an attachment, store the message on a backup medium; and if the message includes an attachment, store metadata associated with the attachment in an attachment index, and store a modified version of the message on the backup medium, wherein the modified version excludes the attachment. Applicant can find no teaching or suggestion of the features of a full backup recited in claim 19 anywhere in the art cited by the Examiner. Accordingly, claim 19 is also believed to be in condition for allowance.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown

to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-15800/BNK.

Respectfully submitted,

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